

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DIANA FRICK and JOSEPH FRICK, her husband,      CASE NO. 2:15-cv-00360-DSC

**JURY TRIAL DEMANDED**

Plaintiffs

vs.

BIG LOTS STORES, INC.,

Defendant

vs.

BUREAU VERITAS CONSUMER  
PRODUCTS SERVICES, INC.; BUREAU  
VERITAS CONSUMER PRODUCTS  
SERVICES (INDIA) PVT. LTD.;  
DESIGNCO OVERSEAS PRIVATE  
LIMITED a/k/a DESIGNCO INDIA d/b/a  
DESIGNCO; AND HOC INDUSTRIES,  
INC. f/k/a THE HOME OIL COMPANY  
f/k/a THE HOME OIL COMPANY, INC.  
d/b/a HOMESTAR

**DEFENDANT BIG LOTS STORES, INC.'S MOTION FOR AN EXTENSION OF  
TIME TO EFFECT SERVICE OF SUMMONS AND THIRD-PARTY COMPLAINT**

Defendant, BIG LOTS STORES, INC., by and through counsel, JASON WEHRLE, ESQUIRE, JOSHUA K. BOGGS, ESQUIRE, AND RYAN MICK, ESQUIRE and the law firm of MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP, respectfully moves for an extension of time to effect service of Summons and Third-Party Complaint on third-party defendants, Bureau Veritas Consumer Products Services, Inc.; Bureau Veritas Consumer Products Services (India) Pvt. Ltd.; Designco Overseas Private Limited a/k/a Designco India d/b/a Designco; and HOC Industries, Inc. f/k/a The Home Oil Company f/k/a The Home Oil

Company, Inc. d/b/a Homestar. Defendant, BIG LOTS STORES, INC., engaged in mediation with Plaintiff on July 22, 2015 and expects to reconvene said mediation at a later date. Rule 4(m) of the Federal Rules of Civil Procedure provides,

“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the [plaintiff] shows good cause for the failure, the court must extend the time for service for an appropriate period.”

Therefore, based on the potential for settlement and subsequent dismissal of this action, Defendant, BIG LOTS STORES, INC., seeks an extension of time of ninety (90) days to effectuate service on the above named Third-Party Defendants.

WHEREFORE, based on Federal Rule of Civil Procedure 4(m) and good cause shown, Defendant moves the court for an extension of time to serve the aforementioned third-party defendants. Defendant will file a Memorandum of Law in Support of this Motion of this Honorable Court deems necessary.

**MINTZER, SAROWITZ, ZERIS, LEDVA  
& MEYERS, LLP**

*/s/Joshua K. Boggs*

BY: \_\_\_\_\_

JASON G. WEHRLE, ESQUIRE

PA Id. No. 92711

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Attorneys for Defendants/Third-Party Plaintiff,  
BIG LOTS STORES, INC.

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DESIGNCO OVERSEAS PRIVATE  
LIMITED a/k/a DESIGNCO INDIA d/b/a  
DESIGNCO; AND HOC INDUSTRIES,  
INC. f/k/a THE HOME OIL COMPANY  
f/k/a THE HOME OIL COMPANY, INC.  
d/b/a HOMESTAR

**ORDER**

The foregoing Motion for Extension of Time to Effectuate Service filed by Defendant, BIG LOTS STORES, INC., by and through counsel, JASON WEHRLE, ESQUIRE, JOSHUA K. BOGGS, ESQUIRE, AND RYAN MICK, ESQUIRE and the law firm of MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP is hereby **GRANTED** and Defendant hereby has an additional ninety (90) days to serve Third-Party Defendants Bureau Veritas Consumer Products Services, Inc.; Bureau Veritas Consumer Products Services (India) Pvt. Ltd.; Designco Overseas Private Limited a/k/a Designco India d/b/a Designco; and HOC Industries, Inc. f/k/a The Home Oil Company f/k/a The Home Oil Company, Inc. d/b/a Homestar.

**IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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J.